

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicants have amended claims 45, 54, 74, 77, 79, 81, and 87. Accordingly, claims 45-60, 62, 65-77, 79, 81-90 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Claim Rejections – 35 U.S.C. § 103(a)**

The Examiner rejected claims 45-50, 54-56, 60, 62, 65-67, 69-74, 77-84 and 87-90 under 35 U.S.C. § 103(a) as being unpatentable over Kinrot (US 6,574,193) in view of Nishio, et al. (US 6,192,039), or alternatively, Nishio and view of Kinrot. The Applicants have amended the claims to better distinguish the claimed invention from Kinrot and Nishio. The Examiner's consideration of the amended claims is respectfully requested.

Although Applicants do not believe the cited art teaches or suggests the claims in the previously submitted responses, Applicants have amended certain claims purely in the interest of expediting the prosecution of the instant invention. As such, claims 45, 54, 74, 77, 79, 81, and 87 have been amended to clarify the Applicants' invention over the cited references. Claims 45, 54, 74, 77, 79, 81, and 87 now effectively recite that the resources relate to an operation of a codec of the wireless mobile terminals, and that the rate of the operation of the codec can be altered based on a type of traffic transmitted via air interfaces. Support for these amendments is found in the specification at least on pages 9 and 10. Kinrot discloses congestion control in the core network. The Applicants' invention concerns control in a wireless network, specifically, the control of air interfaces resources relating to an operation of a codec of a wireless mobile terminal, and further concerns the rate of the operation of the codec which can be altered based on a type of traffic transmitted via the air interfaces. The independent claims 45, 54, 74, 77, 79, 81, and 87 specifically claim control of data across a wireless communication system based on the activity across an air interface and not just across an ATM network as in Kinrot. The present invention provides for the change of data

rates within the core network (ATM), but such changes are not mandated to be made there, as disclosed in Kinrot.

Kinrot is entirely concerned with congestion control in an ATM network and does not address issues arising in connection with access nodes in an ATM network and does not address issues arising in connection with access nodes and air interfaces in a wireless communications network. In regards to Nishio, Nishio discloses a method of flow control and discloses both the core network and a wireless communication network. The Examiner cites Col. 12, lines 55-60 as disclosing the flow control over the wireless communications network. Although Nishio discloses both a core network and a wireless communications network, Nishio merely discloses flow control at the ATM node and does not address control in a wireless network, specifically, the control of air interfaces resources relating to an operation of a codec of a wireless mobile terminal, and further concerns the rate of the operation of the codec which can be altered based on a type of traffic transmitted via the air interfaces. Additionally, Nishio is only concerned with flow control at the time of a handoff. Therefore, the combination of Kinrot and Nishio does not teach or suggest the Applicants' claimed invention.

Additionally, the Applicants respectfully disagree with the Examiner's previous characterization that Kinrot discloses a processor or method that selects a lower one of a plurality of maximum information transmission rates. Kinrot discloses a variable-rate encoding apparatus operative to receive data and process the data for transmission through a network comprising a processor, which determines a degree of circuit congestion responsive to the status of a cell queue associated with at least one virtual circuit of the network; a variable-rate encoder, operative to encode the received data so as to provide encoded data packets to the at least one virtual circuit at a rate that is selected responsive to the degree of circuit congestion and a bit rate selector wherein the apparatus suitable for an ATM network and wherein the processor determines a mean bit rate of the encode data packets to be output by the encoder as a function of the circuit congestion, and wherein the bit rate selects one of a plurality of discrete, applicable bit rates of the encoder responsive the mean bit rate. Thus, the transmission rate in Kinrot may be more or less than the lowest one of the plurality of maximum information transmission rates as claimed by the Applicants. Therefore, Kinrot does not

disclose a second sub-processor adapted to select a lowest one of plurality of maximum information transmission rates.

Claims 46-50 depend from amended claim 45 and recite further limitations in combination with the novel elements of claim 45. Claims 55, 56, 60, 62, 65, 67, and 69-73 depend from amended claim 54 and recite further limitations in combination with the novel elements of claim 54. Therefore, the allowance of claims 45-50, 54-56, 60, 62, 65-67, 69-74, 77, 79, 81-84 and 87-90 is respectfully requested.

The Examiner rejected claims 51, 57, 75 and 85 under 35 U.S.C. § 103(a) as being unpatentable over Kinrot in view of Nishio, further in view of ITU-T Recommendation I.366.1, Segmentation and Reassembly Service Specific Convergence Sublayer for the AAL Type 2 (ITU-T). The Applicants have amended the claims to better distinguish the claimed invention from Kinrot, Nishio and ITU-T. The Examiner's consideration of the amended claims is respectfully requested.

The Applicant has amended independent claims 45, 54, and 74 to clarify the Applicant's invention over the cited references. As stated above, the combination of Kinrot and Nishio does not teach or suggest all the elements of the Applicant's claimed invention. The addition of the ITU-T reference does not describe resources that relate to an operation of a codec of wireless mobile terminals, and that the rate of the operation of the codec can be altered based on a type of traffic transmitted via air interfaces.

Claim 51 depends from amended claim 45 and recites further limitations in combination with the novel elements of claim 45. Claim 57 depends from amended claim 54 and recites further limitations in combination with the novel elements of claim 54. Claim 75 depends from amended claim 74 and recites further limitations in combination with the novel elements of claim 74. Therefore, the allowance of claims 51, 57, 75 and 85 is respectfully requested.

The Examiner rejected claims 52, 53, 58, 59, 76 and 86 under 35 U.S.C. § 103(a) as being unpatentable over Kinrot in view of Nishio, further in view of Brueckheimer, et al. (US 6,574,224). The Applicants have amended the claims to better distinguish the claimed invention from Kinrot, Nishio and Brueckheimer. The Examiner's consideration of the amended claims is respectfully requested.

The Applicant has amended independent claims 45, 54, and 74 to clarify the Applicant's invention over the cited references. As stated above, the combination of Kinrot and Nishio does not teach or suggest all the elements of the Applicant's claimed invention. The addition of the Brueckheimer reference does not describe resources that relate to an operation of a codec of wireless mobile terminals, and that the rate of the operation of the codec can be altered based on a type of traffic transmitted via air interfaces.

Claims 52 and 53 depend from amended claim 45 and recite further limitations in combination with the novel elements of claim 45. Claims 58 and 59 depend from amended claim 54 and recite further limitations in combination with the novel elements of claim 54. Claim 76 depends from amended claim 74 and recites further limitations in combination with the novel elements of claim 74. Therefore, the allowance of claims 52, 53, 58, 59, 76 and 86 is respectfully requested.

### **CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 45-60, 62, 65-77, 79, 81-90.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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